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**IDAPA 02
TITLE 06
CHAPTER 10**

02.06.10 - RULES GOVERNING THE POTATO CYST NEMATODE (*GLOBODERA PALLIDA*)

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-2013, Idaho Code. (8-28-06)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.10, “Rules Governing the Potato Cyst Nematode (*Globodera pallida*).” (8-28-06)T

02. Scope. The purpose and goal of this rule is to prevent the spread of Potato Cyst Nematode (*Globodera pallida*) (PCN) throughout Idaho and the United States. (8-28-06)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (8-28-06)T

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeals before the Idaho State Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (8-28-06)T

004. INCORPORATION BY REFERENCE.

Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.10 incorporates by reference: (8-28-06)T

01. USDA APHIS PPQ Treatment Manual Schedule T406-d, Revision 10, September 2006. (8-28-06)T

02. 7 CFR Part 305 – Phytosanitary Treatments, as revised 2006. (8-28-06)T

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Street Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (8-28-06)T

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (8-28-06)T

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P. O. Box 790, Boise, Idaho 83701-0790. (8-28-06)T

04. Telephone Number. The telephone number of the central office is (208) 332-8500. (8-25-06)T

05. Fax Number. The fax number of the central office is (208) 334-2283. (8-25-06)T

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records and are available for inspection and copying at the department. (8-28-06)T

007. -- 009. (RESERVED).

010. DEFINITIONS AND TERMS.

The Idaho State Department of Agriculture adopts the definitions set forth in Title 22, Chapter 20, Idaho Code. In addition as used in this chapter: (8-28-06)T

01. Certificate. A document, stamp, or imprint by which an inspector affirms that a specified regulated

article meets applicable requirements of this subpart and may be moved intrastate or interstate to any destination.

(8-28-06)T

02. Farm Equipment. Mechanized cultivating equipment, harvesting equipment, soil-moving equipment, farm tools, crates, boxes, burlap bags, and other farm product equipment or containers. (8-28-06)T

03. Infested Field. Any field in which the presence of PCN is confirmed. (8-28-06)T

04. Inspector. Any employee of ISDA, APHIS, the U.S. Department of Agriculture, or other person authorized by the USDA APHIS Administrator or ISDA Director to perform the duties required under this rule. (8-28-06)T

05. Limited Permit. A document issued by an inspector to allow the intrastate or interstate movement of regulated articles that are ineligible for a certificate but that can be moved interstate for limited handling, utilization, or processing when, upon evaluation of the circumstances involved in each specific case the inspector determines that such movement will not result in the spread of PCN. (8-28-06)T

06. Nursery Stock. Plants with roots, plant crowns, roots for propagation, true bulbs, corms, rhizomes, and tubers of ornamental plants, and excluding soil-free aquatic plants. (8-28-06)T

011. ABBREVIATIONS.

01. APHIS. Animal and Plant Health Inspection Service. (8-28-06)T

02. ISDA. Idaho State Department of Agriculture. (8-28-06)T

03. PCN. Potato Cyst Nematode. (8-28-06)T

04. PPQ. Plant Protection and Quarantine. (8-28-06)T

05. USDA. United States Department of Agriculture. (8-28-06)T

012. -- 019. (RESERVED).

020. REGULATED AREAS.

In the State of Idaho, that part of the Township designated by "T 01 N; R 37 E" Boise Meridian, which lies east and south of the Snake River, and in Sections 10 through 36 and any other property found to be infested after the adoption of this rule. (8-28-06)T

021. REGULATED ARTICLES.

The following are regulated articles, and may not be moved intrastate or interstate from a regulated area except in accordance with this Rule: (8-28-06)T

01. Potatoes. (8-28-06)T

02. Nursery Stock. (8-28-06)T

03. Soil, Compost, Humus, Muck, Peat, and Decomposed Manure. (8-28-06)T

04. Grass Sod. (8-28-06)T

05. Small Grains and Soybeans. (8-28-06)T

06. Hay, Straw, Fodder, and Plant Litter. (8-28-06)T

07. Ear Corn, Except Shucked. (8-28-06)T

08. Used Farm Equipment. (8-28-06)T

09. Other Products. Any other products, articles, or means of conveyance of any character whatsoever, when it is determined by an inspector that they present a hazard of spread of PCN. (8-28-06)T

022. RESTRICTIONS.

01. Movement From a Non-Regulated Area. Movement of regulated articles from a non-regulated area is subject to inspection by an inspector. Permits and certifications are not required. (8-28-06)T

02. Movement From a Regulated Area. Movement of regulated articles from a regulated area is subject to the provision of Section 02.06.10.023 of this rule. (8-28-06)T

03. Other Restrictions. No potatoes, tomatoes, eggplants or any other known host crops may be planted in the infested fields. Soil must not be moved from the infested fields. Any equipment leaving the infested fields must be sanitized and certified using USDA APHIS approved protocols. (8-28-06)T

04. Seed Potatoes. Seed potatoes may not be grown in the regulated area. (8-28-06)T

023. CONDITIONS FOR INTRASTATE OR INTERSTATE MOVEMENT OF REGULATED ARTICLES.

Regulated articles may only be moved intrastate or interstate from a regulated area by a person under a compliance agreement if accompanied by a certificate or limited permit issued by an inspector. (8-28-06)T

01. Movements Under Certificate. Certificates may be issued by an inspector for the intrastate or interstate movement of the following articles from regulated areas, provided they meet the conditions specified below: (8-28-06)T

a. Potatoes: (8-28-06)T

i. The fields where the potatoes were grown were surveyed by an inspector prior to planting and found to be apparently free of PCN. Certification of freedom from PCN is valid for no more than three (3) years; (8-28-06)T

ii. The potatoes were grown in a field in which no more than one potato crop was grown in the previous three (3) successive years; (8-28-06)T

iii. The potatoes were processed and packed at facilities in accordance with guidelines issued by the USDA APHIS Administrator and posted on the APHIS website; and (8-28-06)T

iv. Seed potatoes from regulated areas are not eligible for movement under certificate. (8-28-06)T

b. The nursery stock must have been grown at a site that has been surveyed by an inspector and found to be apparently free of PCN. (8-28-06)T

c. Soil, compost, humus, muck, peat, decomposed manure, grass sod, small grains and soybeans, ear corn (except shucked), hay, straw, fodder, and plant litter must have been grown or located only at sites that have been surveyed by an inspector and found to be apparently free of PCN. (8-28-06)T

d. Before being removed from the field, farm equipment that has been used in any field that is infested with or potentially infested with PCN, or adjacent to such field located in the regulated area must be either: (8-28-06)T

i. Pressure washed to ensure that all soil has been removed; or (8-28-06)T

ii. Steam treated in accordance with USDA APHIS PPQ Treatment Manual schedule T406-d and 7 CFR Part 305. (8-28-06)T

02. Movements under Limited Permit. Limited permits may be issued by an inspector to allow intrastate or interstate movement of regulated articles not eligible for certification under this subpart, to specified destinations for limited handling, utilization, or processing when, upon evaluation of the circumstances involved in each specific case the inspector determines that such movement will not result in the spread of PCN. (8-28-06)T

024. INSPECTION, SAMPLING AND TESTING.

In order to accomplish the purposes of this rule, an inspector may enter upon and inspect any public or private premises, lands, or means of conveyance, or article of any person within this state, for the purpose of inspecting, surveying, sampling, testing, treating, controlling or destroying any soil, plant or plant material thought to or found to contain or be infested with PCN. (8-28-06)T

025. PENALTIES.

Any person violating any of the provisions of these rules will be subject to the penalty provisions of Title 22, Chapter 20, Idaho Code. (8-28-06)T

026. -- 999. (RESERVED).

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